

# SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, May 9, 2007 - 3:30 p.m.

# CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at <a href="https://www.ci.stpaul.mn.us/council">www.ci.stpaul.mn.us/council</a> and click on Watch the Live Webcast

The meeting was called to order at 3:30 p.m. by Council President Lantry.

Present – 6 – Benanav, Bostrom, Harris, Helgen, Lantry, Thune Absent – 1 – Montgomery (excused)

It was noted that Item 6 was on inadvertently as a resolution and should be an ordinance. Item 6 was deleted with the appropriate ordinance added at the end of the agenda for consideration. It was also noted that Item 22 was withdrawn.

Councilmember Helgen requested Item 7 be laid over one week.

Councilmember Helgen moved approval of the consent agenda as amended. Adopted as amended Yeas – 6 Nays - 0

## **CONSENT AGENDA (Items 1 - 28)**

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

### COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Scott Johnson, Cynthia McClain, and Colleen Nuernberg. Referred to Risk Management

2. Administrative Orders:

D002651 Authorizing the Police Department to sponsor the annual Police

Memorial Day Ceremony and Reception on May 16, 2007 at noon in

Mears Park.

D002652 Amending the 2006 spending plan for the Police Special Projects

Special Revenue Fund 436.

D002653 Adjusting the 2006 year-end General Fund Activities in the

Department of Fire and Safety Services.

On file in the City Clerk's Office

### FOR ACTION

3. Approval of minutes of April 4, 11, and 18, 2007.

Adopted Yeas - 6 Nays - 0

4. Resolution – 07-378 – Approving the Memorandum of Agreement between the City and Pipefitters Local Union No. 455 for the 2007 Wage and Fringe Adjustment. (Laid over from May 2 for adoption)

Adopted Yeas – 6 Nays – 0

5. Resolution – 07-379 – Approving the May 1, 2007 through April 30, 2007 Maintenance Labor Agreement between the City and the International Union of Painters and Allied Trades District Council 82. (Laid over from May 2 for adoption)

Adopted Yeas - 6 Nays - 0

6. Resolution - 07-401 - Establishing a Fire Chief Selection and Examination Committee. (GS 3039453)

(Above resolution in error; see Ordinance 07-401 replacing said resolution under "Ordinances")

7. Resolution – 07-402 – Advocating that Saint Paul's U.S. Congressional Delegation and Minnesota's U.S. Senators support legislation to reduce CO2 and other greenhouse emissions.

Laid over to May 16 Yeas -6 Nays -0

8. Resolution – 07-403 – Deleting the assessment for weekly garbage hauling services at 526 Jenks Avenue from December 5 to December 27, 2006.

Adopted Yeas - 6 Nays - 0

9. Resolution – 07-404 – Approving the decisions of the Legislative Hearing Officer on appeals of Letters of Deficiency, Correction Notices, and Correction Orders for properties at 1105 Payne Avenue, 1536 Minnehaha Avenue West, and 566 State Street.

10. Resolution – 07-405 – Adopting the Summary of the Arcade Street Small Area Plan as an Addendum to the Saint Paul Comprehensive Plan.

Adopted Yeas - 6 Nays - 0

11. Resolution – 07-406 – Approving the FY2007 Neighborhood Sales Tax Revitalization Small Grant Awards.

Adopted Yeas - 6 Nays - 0

12. Resolution – 07-407 – Amending the spending and financing plans of the Central Corridor project in the Department of Planning and Economic Development and accepting grants from F. R. Bigelow Foundation, Saint Paul Foundation, and McKnight Foundation.

Adopted Yeas - 6 Nays - 0

13. Resolution – 07-408 – Accepting a donation in the amount of \$14,223 from the Saint Paul Police Foundation to assist with overtime hours for Gang Resistance Education and Training (G.R.E.A.T.).

Adopted Yeas - 6 Nays - 0

14. Resolution – 07-409 – Accepting a donation in the amount of \$10,000 from the Victim Intervention Program, Inc. for the Police Department's Employee Assistance Program (EAP).

Adopted Yeas - 6 Nays - 0

15. Resolution – 07-410 – Authorizing the Police Department to enter into an Agreement with the State of Minnesota's Department of Public Safety for Law Enforcement Terrorism Prevention.

Adopted Yeas - 6 Nays - 0

16. Resolution – 07-411 – Authorizing the Police Department to enter into an Agreement with Independent School District #625 to provide services for the School Resource Officer Program from January 1, 2007 through June 30, 2007.

Adopted Yeas - 6 Nays - 0

17. Resolution – 07-412 – Waiving the 45-day notification requirement and granting, with conditions, On-Sale Wine and Strong Beer licenses to Asian Mill Two, Inc., d/b/a Tea House Chinese Restaurant, 1676 Suburban Avenue.

Adopted Yeas - 6 Nays - 0

18. Resolution – 07-413 –Approving adverse action against all licenses held by Juan Rada, d/b/a La Hacienda Restaurante, 2467-7<sup>th</sup> Street West.

19. Resolution – 07-414 –Approving adverse action against all license applications submitted by K D Korner, Inc., d/b/a Shannon's Pub, 1199 Rice Street.

Adopted Yeas - 6 Nays - 0

20. Resolution – 07-415 – Approving adverse action against the Gas Station, Cigarette/Tobacco, Malt Off-Sale, and Retail Food (C)-Grocery 1001-2000 sq. ft. license applications by Smith Mart, Inc., 778 Smith Avenue South.

Adopted Yeas - 6 Nays - 0

21. Resolution – 07-416 – Approving adverse action against the Massage Center-A (Commercial) license held by the Gathering Salon & Wellness Center, 656 Selby Avenue. Adopted Yeas – 6 Nays – 0

22. Resolution – 07-417 – Approving adverse action against the Saint Paul Taxicab license application submitted by Chris M. Sabio for the City of Saint Paul.

Withdrawn

23. Resolution – 07-418 – Approving adverse action against the Tree Trimmer & 1 Vehicle and Tree Trimmer – Each Additional Vehicle license applications submitted by Prime Cut Tree Service, Inc. for the City of Saint Paul.

Adopted Yeas - 6 Nays - 0

24. Resolution – 07-419 –Approving adverse action against the Solid Waste Hauler & Vehicle license held by Robert D. Logan, d/b/a Robert Logan Hauling, Inc., for the City of Saint Paul.

Adopted Yeas - 6 Nays - 0

25. Resolution – 07-420 – Accepting a permanent sidewalk easement on Global Country of World Peace property at 399 Ruth Street North.

Adopted Yeas - 6 Nays - 0

26. Preliminary Order – 07-421 – In the matter of constructing a new sidewalk on both sides of North Dunlap Street from West Minnehaha Avenue to Hubbard Street, and setting date of public hearing for June 20, 2007. [File No. S0705]

Adopted Yeas - 6 Nays - 0

27. Preliminary Order – 07-422 – In the matter of constructing a new sidewalk on the west side of North Griggs Street from West Seminary Avenue to Hubbard Avenue, and setting date of public hearing for June 20, 2007. [File No. S0706]

28. Resolution Approving Assessment – 07-423 – In the matter of the assessment of benefits, cost and expenses for towing abandoned vehicles from private property during January, 2006 [J0701V]; boarding-up vacant buildings during March, 2007 [J0702B]; summary abatements (property clean-up) on private property from March 29 to April 12, 2007 [J0706A]; providing weekly garbage hauling services from April 4 to April 12, 2007 [J0706G]; demolition of a vacant building at 972 Conway Street during April, 2007 [J0705C]; and setting date of public hearing for June 20, 2007.

Adopted Yeas - 6 Nays - 0

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#### **ORDINANCES**

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

29. Final Adoption – 07-336 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to clarify language requirements regarding fencing at a corner lot location.

Councilmember Harris moved to lay over one week in order to get a staff report to clarify language. Councilmember Thune requested, and Councilmember Harris agreed, that the staff report be submitted to all Councilmembers prior to next weeks meeting by email. Laid over to May 16 Yeas -6 Nays -0

30. Final Adoption – 07-348 – An ordinance amending Chapter 61 of the Saint Paul Legislative Code by adding a new section providing for the automatic termination of conditional use permits under certain conditions.

Councilmember Benanav expressed concern with language in the ordinance stating he does not want to have unintended consequences. He moved to lay over the ordinance one week for Trudy Moloney, Director of City Council Operations, to obtain clarification from Patricia James, staff person in the Department of Planning and Economic Development.

After some discussion, Councilmember Benanav agreed the ordinance should be adopted at this time with the direction that the Administration not sign off on it until staff has responded to his concerns so, if needed, he can request the ordinance be recalled at the May 16, 2007 City Council meeting.

- Second Reading 07-392 An Administrative Ordinance establishing the minimum qualifications for the position of Fire Chief.
   Laid over to May 16 for third reading/public hearing
- 32. First Reading 07-424 An ordinance memorializing City Council action granting the application of Selby Area Community Development Corporation to rezone property at 940 Selby Avenue from B2 (Community Business) to TN1 (Traditional Neighborhood). (ZF 07-013-828) (Public hearing held April 18, 2007)
  Laid over to May 16 for Second Reading
- 33. First Reading 07-425 An ordinance memorializing City Council action granting the application of Ms. Alison Kern to rezone property from TN2 (Traditional Neighborhood) and VP (Vehicular Parking) to B2 (Community Business) at 1172-1180 Arcade Street, 0 Rose Avenue, and 838 Maryland Avenue East. (ZF 07-022-851) (Public hearing held April 18, 2007)

Laid over to May 16 for Second Reading

First Reading – 07-401 – An ordinance establishing a Qualifications and Examining Committee for the position of Fire Chief.

Laid over to May 16 for Second Reading

Councilmember Benanav moved suspension of the rules to introduce the following resolution: Yeas - 6 Nays - 0

Resolution – 07-426 – Approving the use of Neighborhood STAR Investment Initiative Program Funds for Dreamland Arts project in Ward 4.

Councilmember Benanav moved approval. Adopted Yeas – 6 Nays – 0

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Councilmember Benanav moved suspension of the rules to introduce the following resolution: Yeas - 6 Nays - 0

Resolution – 07-427 – Initiating an interim ordinance prohibiting the outdoor sales of permitted fireworks until such time of adoption of a new ordinance regulating the same.

Councilmember Benanav noted an error on Line 25 which reads "statue quo." He moved approval of the resolution with amended language to read "status quo." Adopted as amended Yeas -6 Nays -0

Councilmember Thune moved to adjourn t	he meeting	Yeas – 6	Nays – 0
ATTEST:	ADJ	OURNED AT	3:50 P.M.
Mary Erickson Assistant Council Secretary	Kath	y Lantry, Cour	ncil President
Submitted by: Pattie Kelley	<u>N</u>	May 23, 2007_ Minutes app	proved by Council